

CEM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB -6 PM 12:25

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alfredo ROJAS-Andrade,

Defendant

) Magistrate Docket No. 08 MJ 0343
)
)
)
) BY: *PAZ* DEPUTY
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about **February 4, 2008** within the Southern District of California, defendant, **Alfredo ROJAS-Andrade**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Ismael A. Canto

SIGNATURE OF COMPLAINANT
Ismael A. canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF FEBRUARY, 2008.

Ruben B. Brooks

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CEM

CONTINUATION OF COMPLAINT:
Alfredo ROJAS-Andrade

PROBABLE CAUSE STATEMENT

On February 4, 2008, Supervisory Border Patrol Agent J. Martinez was performing line watch duties in the Chula Vista Border Patrol Station's area of operations. At approximately 8:45 p.m., Senior Patrol Agent C. Peterson, who was utilizing an infrared scope, informed Agent Martinez that he had observed of a group of three individuals traveling west on a trail known as the "34 Trail." This area is approximately three miles east of the Otay Mesa, California Port of Entry, and approximately one mile north of the United States/Mexico International Boundary.

Agent Martinez responded to the area and was directed by Agent C. Peterson of the group's exact location. After conducting a brief search, Agent Martinez located three individuals, including one later identified as the defendant, **Alfredo ROJAS-Andrade**, who was lying down. Agent Martinez then identified himself as United States Border Patrol Agent and conducted an Immigration inspection. All three, including the defendant, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain legally in the United States. All three were placed under arrest at approximately 9:10 p.m. and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 17, 2005** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.